



GOVERNOR'S OFFICE OF ENERGY

**MINUTES
Of the Hearing of the
GOVERNOR'S OFFICE OF ENERGY**

LCB file number R126-13

January 15, 2014

The Governor's Office of Energy held a public meeting on January 15, 2014, beginning at 1:00PM, at the following locations:

Southern Nevada Home Builders Association
4175 S. Riley Street, Suite 100
Las Vegas, NV 89147

1. Call to order: The meeting was called to order at 1:10 PM by the Governor's Office of Energy Director Paul Thomsen.

Director's introductory comments: Director Thomsen explained the amended proposed regulation, R126-13 and the order of the hearing. This hearing is being conducted pursuant to NRS 701.220 subsection (5) to afford all interested parties a reasonable opportunity to comment upon proposed regulation R126-13 regarding the adoption of the 2012 International Energy Conservation Code. Pursuant to This hearing is held to propose the adoption, amendment or repeal of regulations pertaining to Chapter 701 of the Nevada Administrative Code (NAC) and relating to the adoption of regulations for the conservation of energy in buildings; namely, adoption of the 2012 UECC, pursuant to 701.220.

Members of the public were asked to sign in, and the sign in sheet is attached to the original minutes as *Exhibit A*. Director Thomsen directed any person with written comments to provide them to Mr. Kevin Hill, Governor's Office of Energy (GOE) staff. The Director mentioned that handouts of today's hearing are available at the back of the room.

Introductions: Director Thomsen introduced Harry Ward, Deputy Attorney General for GOE; Kevin Hill, GOE staff; Ken Baker, Don White, Energy Code Ambassador. Full attendance list is attached as Exhibit A.

2. Public Comment and Discussion (1st period): The Director sought public comment to which there was none.

3. Review of the Proposed Amended Regulation:

Director Thomsen reviewed the proposed amended regulation. This hearing is held to propose the adoption, amendment or repeal of regulations pertaining to Chapter 701 of the Nevada Administrative Code (NAC) and relating to the adoption of regulations for the conservation of energy in buildings; namely, adoption of the 2012 IECC, pursuant to NRS 701.220. We've provided in the handout materials, a copy of LCB file #R126-13 to reflect the following proposed changes:

- Item 1, Changes 2009 to 2012;
- Item 2, Changes all references from 2009 to 2012 and includes current prices for the newly published code.
- The last item changes the effective date of this regulation from July 1, 2012 to July 1, 2015.

4. Receive Testimony of Proposed Amended Regulation 126-13:

Nat Hodgson, representing the Southern Nevada Home Builders Association, noted a concern that with the State adoption of this proposed amended regulation, entities will have to qualify for an Environmental Protection Agency mandated Energy Star version 3.1 from version 3.0. Version 3.1 is not available yet and would exceed the standards of the 2012 IECC building codes, thereby kicking in incentives for contractors. With the adoption of the 2012 codes, the current version merely meets these standards and incentives would be reduced or disappear completely. This does not put Nevada on a level playing field and presents a hardship for contractors.

The Director asked for clarification of Mr. Hodgson's comments in which Nat provided additional detail.

Annette Bubak, representing the Green Alliance, noted that no penalty is imposed if administered through municipality or county. There is an incremental cost for homeowners and contractors.

Director Thomsen asked what the different is between the State adopting compared to a municipality adopting the code. Interested in the definition of the word adoption and what it means exactly.

Ken Baker commented that the national EPA deemed that if the state adopts the 2012 IECC Codes, the Energy Star Version 3.1 needs to be used statewide.

Nat Hodgson noted that it is irrelevant if the county or municipality adopts, it's whether the State adopts the codes.

Fredric Zwerg, representing Southwest Gas, commented that our rebates are based on Energy Star V3.0 if it becomes code.

Nat Hodgson noted that if the State adopts the 2012 IECC we have to use EPA Version 3.1 to qualify for rebates which results in less rebates for contractors. Our members would be negatively affected by this change.

Annette Bubak commented that the SW Gas is looking at V3.1 and we need to work collaboratively to minimize impacts.

Don White, Energy Code Ambassador, commented that the lowering of three air exchanges per hour is very hard to accomplish. Have we received any verbal concerns from auditors?

Nat Hodgson agreed that this requirement is a concern and testified during the last legislative session to attempt address this situation. Upgrading from the 2009 IECC codes to 2012 IECC codes is a big step.

Director Thomsen asked if this is a bigger step than going from the 2006 code to 2009. The answer was yes is it was from several participants.

Don White commented that the 2015 IECC Codes will be ready to purchase by January 1, 2015. Mr. White commented that some northern Nevada entities are considering adopting the 2015 codes directly and bypassing the 2012 codes altogether.

Frederic Zwerg commented that state, county and city amendments are all different. What is the process to consider these amendments? When the State adopts the 2012 code are the amendments considered?

The Director responded that if a local jurisdiction proposed amendments submit to the Director and we can accept or deny those amendments. We can accept from a jurisdiction or their local governing body and can't weaken the code. If we accept an amendment we will circulate to all entities so everyone is working off of the same amended code.

Don White noted that the different county and city amendments are sent to GOE for consideration.

Don White noted that the proposed amendments did not weaken the existing code. The Director commented that the statute is clear. The local jurisdiction has the rights and responsibilities and if it is within their rights by law to adopt and enforce the code, they have the right and responsibility to do so.

Unknown Person commented that if all jurisdictions decided not to adopt the 2012 code, they would be required to use the V3.0 Energy Star.

Don White added that the Southern Nevada climate zone 3 criteria cannot be applied to climate zone 5, typically the rest of Nevada. If there was a statewide ordinance a committee may need to be convened to address this issue of what is applicable. Amendments related to the south and north climate zones can be sent to GOE and we can consider at that time.

Director Thomsen commented that there may not be a need to create an amendment to address this issue but rather GOE would make everyone aware of the different climate zones and the code is applied to address these zones. If the local governing body adopted then we would let everyone know of any specific direction a local entity decides to follow.

5. Public Comment and Discussion (2nd period): Lee Moore, private citizen asked for assistance from the group on an issue he is experiencing from his homeowners association that GOE staff will follow up with. His comments were not related to the adoption of the 2012 IECC Codes.

6. Adjournment: 1:42 P.M.